

REMARKS

Claims 1-10, all the claims pending in the application, stand rejected on prior art grounds. The Advisory Action dated February 9, 2009 indicates that the Amendment filed January 9, 2009, has been entered and claims 1-10 remain rejected on the prior art grounds set forth in the Final Office Action dated November 10, 2009. In particular, claims 1, 2, 6-8, and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hedberg in view of Hiramatsu and U.S. Patent Publication No. 2003/0210668 to Malladi et al. (hereinafter "Malladi") and further in view of U.S. Patent No. 6,763,237 to Katz (hereinafter "Katz"). Claims 3-5 and 9 stand under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hedberg in view of Hiramatsu, Malladi, and Katz, and further in view of U.S. Patent Publication No. 2002/0145988 to Dahlman et al. (hereinafter "Dahlman"). Applicants submit that the claims are patentable.

For example, independent claims 1, 6, 7, and 10 recite, in some variation, that the one of the first signals and one of the second signals are sent through the antenna in a first time interval, and another of the second signals is sent, in a second time interval consecutive to the first time interval, to the one of the plurality of user equipments through the antenna assigned to the group which includes the one of the plurality of user equipments.

On page 2 of the Advisory Action, the Examiner asserts that:

"Kart (sic) does teach the claimed feature (Five of 10 users were initially designated the first antenna 1 and the remaining five were initially designated the second antenna 2: Column 12, Line 40-42). Thus, modified method in view of Kart (sic) by applying Kart's (sic) teaching of initially splitting users evenly and assign the split users to two antennas would teach the claimed method."

Here, the Examiner takes the position that, although Katz discloses a method of alternating the use of antenna elements 1 and 2 for respective groups, Katz's initial allocation of half of the users to each antenna reads on the claim.

However, Katz does not teach or suggest that the one of the first signals and one of the second signals are sent through the antenna in a first time interval, and another of the second signals is sent, in a second time interval consecutive to the first time interval, to the one of the plurality of user equipments through the antenna assigned to the group which includes the one of the plurality of user equipments, as recited by independent claims 1, 6, 7, and 10, in some variation. Instead, col. 6, lines 46-50 of Katz discloses that, during a particular burst, half of the users are using the first antenna 1 while the other half are using the second antenna 2. This portion further discloses that, in a subsequent burst, each user is switched to the opposite antenna. Hedberg, Hiramatsu, and Malladi do not cure the above noted deficiencies of Katz.

Because Hedberg, Hiramatsu, Malladi, and Katz, alone or in combination, do not teach or suggest all of the features of independent claims 1, 6, 7, and 10, Applicants submit that these claims are not rendered unpatentable by the combination of Hedberg, Hiramatsu, Malladi, and Katz. Applicants also submit that claims 2 and 8 are patentable at least by virtue of their dependency on claims 1 and 7, respectively.

Because claims 3-5 and 9 are dependent on one of claims 1 and 7, and because Dahlman does not cure the deficiencies of Hedberg, Hiramatsu, and Malladi discussed above, Applicants submit that the claims are patentable at least by virtue of their dependency.

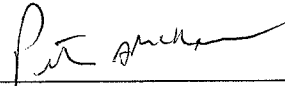
AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/663,772

Attorney Docket No.: Q77079

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Peter A. McKenna
Registration No. 38,551

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 10, 2009